Appln No. 10/020,718
Amdt date June 14, 2005
Reply to Office action of May 18, 2005

REMARKS/ARGUMENTS

Claims 1-31 and 63-72 are presently pending. Applicant thanks the Examiner for her careful consideration of this application, and for her participation in a telephonic interview with Applicant's undersigned counsel of record on June 14, 2005. During the interview, agreement was reached based on the following points of discussion.

Claim 1, previously presented, includes the following limitation, which sets forth that the claimed "algorithm sequences the learning items to be presented ... and makes it impossible for one or more learning items to be presented in at least one learning trial based upon the priority score associated with the learning item." Similar limitations are included in previously presented independent claims 21 and 31. All of the remaining claims depend directly or indirectly upon the noted independent claims.

In the most recent Office Action and in response to an earlier interview, the Examiner rescinded the citation of the Ditto, U.S. Patent 6,270,352, with respect to the rejection of the claim limitation in the independent claims directed to "making it impossible for one or more learning items to be presented in at least one learning trial." However, the Office Action now cites Boon, U.S. Patent 6,022,221, against this limitation and is combining the teachings of Boon to modify the teachings of Ditto.

In particular, the Office Action states: "Ditto does not disclose expressly making it impossible (i.e., retires items) for one or more learning items (i.e., q/a pairs) to be presented

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in at least one or more learning trials (i.e., review) based upon the priority score (i.e., Q) associated with the learning item. However, Boon teaches such in Col. 5:14-19, 33-44. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate making it impossible for one or more learning items to be presented in at least one or more learning trials based upon a priority score associated with the learning item into the method and system of Ditto, in light of the teaching of Boon, in order to eliminate redundancy of learning items that have been learned." Office Action, pp. 3-4.

The Applicant respectfully requests that the rejection be withdrawn. First, Boon does not disclose the noted limitation. In Boon, questions and answer pairs are still presented in an alternative mode (i.e., QUICK MODE), and therefore it is not impossible for learning items to appear; in fact, Boon appears to mandate presentation of question/answer pairs in one mode or another. See Boon, col. 5:37-59. The reference to "retiring" in Boon, which is not applicable with respect to the noted claim limitation, refers to one of the modes only, not to the presentation of learning items in one form or another, such as in the QUICK MODE. Second, Boon discloses a "time out" system in which items are delayed in one mode from recurring for a predetermined amount of time that corresponds to the user's perceived ability to retain an item in short term memory, which predetermined time appears to have no necessary correlation to a learning trial. Third, there is no teaching in either reference to combine Ditto and Boon, as the two are fundamentally

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different systems. Ditto discloses a system based on probabilities, referred to in Ditto as biased random selection. Boon's time based scheme is not compatible with Ditto's probability-based scheme, as applying a time-based criteria to a system such as Ditto would effectively eliminate the fundamental probability based structure of Ditto. Finally, even if the references were somehow combined, one still would not obtain the claimed invention because the noted claim limitation is missing from both references.

During the June 14, 2005 interview, agreement was reached that the Boon reference does not disclose the noted claim limitation.

Accordingly, Applicant respectfully requests early issuance of a Notice of Allowance of pending claims 1-31 and 63-72.

Respectfully submitted,

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